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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,372	02/21/2002	Christian Kraft	004770.00789	5016

22907 7590 03/08/2010

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2628	

MAIL DATE	DELIVERY MODE
03/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/078,372	KRAFT ET AL.	
	Examiner	Art Unit	
	PETER-ANTHONY PAPPAS	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-13 and 15-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-13 and 15-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. As previously disclosed in the Office Action mailed on 3/4/09 the information disclosure statement filed on 12/3/08 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because dates have not been provided for references 1 ("Reference Manual for the TNT products Table Of Contents") and reference 2 ("Introducing TNT"). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 8, 9, 15, 16, 19 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) in view of Gonsalves et al. (U.S. Patent No. 6, 128, 001).

4. In regard to claim 1 Wells et al. teach a system and method (col. 1, ll. 52-67, to col. 2, ll. 1-9; Fig. 1) comprising receiving, in a wireless handheld communication device ("…wireless user terminal or mobile station 10, such as but not limited to a cellular radiotelephone or a personal communicator…" – col. 2, ll. 63-66), a user instruction to display at least one image ("…displaying one of a plurality of user-selectable graphical information sequences with a display of a mobile station, such as a cellular telephone…" – col. 1, ll. 52-67, to col. 2, ll. 1-9; "The animation_parameter is a parameter that can, at run-time, be passed to the animation." – col. 5, ll. 35-36; "With regard to the animation configuration (animconf.h) 6E, different animations are defined with the following parameters: … refresh rate…" – col. 5, ll. 54-66, to col. 6, ll. 1-13; "…each individual one of the snowflake images may be a separate animation sequence having an associated refresh rate and window that is different from that of the other snowflake images ... when the Snowflakes Animation is started, a plurality of individual Snowflake Animations are invoked and started. Alternatively, a single Snowflakes Animation, comprised of a sequence of the images as shown, can be invoked and started." – col. 8, ll. 23-63; "…or to erase, add, and possibly edit an animation, the user accesses an Auto-Demo menu option." – col. 9, ll. 58-60; Figs. 3A, 3B, 4A-4C) in a time-based sequence of images (e.g., animation; "...an animation is comprised of X number of discrete images displayed at intervals of Y ms…" – col. 9, ll. 61-64) previously stored within the wireless handheld communication device ("…memory 24 also stores at least one Current Animation Array (CAA) 24A … The Current Animation Array 24A contains data for defining and controlling the operation of a desired Graphical

Information Sequence (GIS) ... the GIS, also referred to simply as an 'animation', is comprised of a plurality of discrete and logically related animation 'frames', 'scenes', or 'images' (and/or alphanumeric characters) which when displayed sequentially present an informational and/or promotional and/or entertainment message on the display 20…" – col. 3, ll. 59-67; col. 4, ll. 1-3; Figs. 3A, 3B, 4A-4C). It is noted that said displayed images are considered to read on respective bit-map patterns (e.g., an image displayed on a screen; see the Examiner-Initiated Interview held on 9/29/09).

Wells et al. fail to explicitly teach: receiving user instructions to change individual pixels of the bit-map pattern, storing the at least one image with the user-instructed changes to the individual pixels of the bit-map pattern; automatically applying changes to other images in the sequence based on changes to the individual pixels of the bit-map pattern. Gonsalves et al. teach a method and apparatus for editing images (col. 1, ll. 5-7) comprising: receiving user (e.g., graphics editor) instructions to change individual pixels of the bit-map pattern, storing the at least one image with the user-instructed changes to the individual pixels of the bit-map pattern; automatically applying changes to other images in the sequence based on changes to the individual pixels of the bit-map pattern ("A graphics editor performs the task of adding special effects to still pictures and to motion video segments using a graphics workstation." – col. 1, ll. 11-14; "To achieve a color change effect, the graphics editor, using a mouse, graphics tablet or similar input device" – col. 1, ll. 24-28; "Color changing is a special effect that involves changing the color of certain pixels within one or more video image frames. One application of color changing involves modifying the color of an object to make it more

or less noticeable in the video image frame. Another application of color changing is to repair a damaged portion of the video image frame. A third application of color changing is to add color to a video image frame to generate the appearance of one or more new objects in the video image frame." – col. 1, ll. 15-23; "If the video frame that underwent the color change belongs to a sequence of frames, and the graphics editor wishes to make a similar color change to the other frames in the sequence, the graphics editor may move the alpha matte in the frame sequence using key frames, as illustrated in FIG. 4 … The steps of the method can be repeated automatically using the general purpose computer 20, and the graphics editor need not manually define a Bezier form for each frame." – col. 5, ll. 42-52).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Gonsalves et al. into the system taught by Wells et al., because such incorporation would improve the overall efficiency of said system as images, within a sequence of images, comprising graphic content that is to be modified would be modified in such a manner that said images would not have to be recreated in their entirety. For example, if a color that is present in a plurality of images of a sequence is replaced with another color said plurality of images would not need to be recreated in their entirely. Instead only the respective portions of said images containing said color which is to be replaced would require modification.

Wells et al. teach displaying said sequence of images in said wireless handheld communication device in a predetermined order ("…a current animation scene or frame is replaced by a next consecutive frame or scene..." – col. 4, ll. 38-42) and with

predetermined time intervals between the images ("...an animation is comprised of X number of discrete images displayed at intervals of Y ms…" – col. 9, ll. 61-64). It is noted that said incorporation is considered to result in said displayed sequence of images including said respective changes.

5. In regard to claim 2 Wells et al. teach wherein the sequence of images is displayed repeatedly for a number of times (e.g., infinitely) and wherein the handheld communication device receives an input (e.g., signal from said system) that sets said number of times the display of the sequence of image is to be repeated ("An active animation terminates when the Keyguard is deactivated or…" – col. 9, ll. 28-32). It is noted that the respective claim language fails to disclose where exactly said input originates from and thus said input is considered to originate from said system. It is noted that said animation is instructed to run until said Keyguard is deactivated and thus if said Keyguard is not deactivated said animation will continue to run.

6. In regard to claim 8 the rationale disclosed in the rejection of claim 1 is incorporated herein. Well et al. illustrate in Fig. 1 a mobile station 10 comprising a processor (e.g., controller 18), transceiver for communication via a wireless network (e.g., transmitter 14 and receiver 16) and a display (e.g., display 20).

7. In regard to claim 9 the rationale disclosed in the rejection of claim 2 is incorporated herein.

8. In regard to claims 15 the rationale disclosed in the rejection of claim 1 is incorporated herein ("…wireless user terminal or mobile station 10, such as but not

limited to a cellular radiotelephone or a personal communicator…" – Well et al., col. 2, ll. 63-66).

9. In regard to claims 16 the rationale disclosed in the rejection of claim 8 is incorporated herein ("…wireless user terminal or mobile station 10, such as but not limited to a cellular radiotelephone or a personal communicator…" – Well et al., col. 2, ll. 63-66).

10. In regard to claim 19 the rationale disclosed in the rejection of claim 1 is incorporated herein. Wells et al. teach a computer-readable storage medium (e.g., memory 24) having instructions that when executed by a processor perform said method (col. 3, ll. 43-53).

11. In regard to claim 22 Wells et al. teach that "The application program uses an animation STOP command to halt an active animation…" (col. 4, ll. 57-59). However, Wells et al. fail to explicitly teach displaying the last image of said sequence of images when said animation is stopped. Official Notice is taken that both the concept and the advantages of displaying the last image (e.g., frame) of an animation when said animation is stopped (e.g., completed) are well known and expected in the art. Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to display the last image of said sequence of images after said animation is completed, in the system taught by Wells et al. and Gonsalves et al., because said practice is conventional and provides a means of visual indicating (e.g., to a given user) the successful completion of an animation which would result in a more user friendly viewing experience.

12. In regard to claim 23 Wells et al. teach receiving a user instruction to add text ("The animation_parameter is a parameter that can, at run-time, be passed to the animation. For example, text characters used in an animation can be passed to the animation in an animation_parameter…" – col. 5, ll. 35-45; col. 8, ll. 23-43) and movement to the at least one image ("…The text is scrolled in a Scroll Direction … which is illustrated as being from right to left … the scroll direction could be from left to right, or from bottom to top or top to bottom ... or simultaneous horizontal and vertical scrolling can be accomplished. The text may also 'ping-pong' from side to side or from top to bottom…" – col. 8, ll. 23-43).

13. In regard to claim 24 the rationale disclosed in the rejection of claim 23 is incorporated herein.

14. In regard to claim 25 the rationale disclosed in the rejection of claim 23 is incorporated herein.

15. In regard to claim 26 the rationale disclosed in the rejection of claim 24 is incorporated herein.

16. Claims 3, 4,10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Gonsalves et al. (U.S. Patent No. 6, 128, 001), as applied to claims 1, 2, 8, 9, 15, 16, 19 and 22-26, in view of applicant's admitted prior art (Specification, p. 8, Table 2, row 5), herein referred to as AAPA.

17. In regard to claim 3 Wells et al. teach that an animation does not always have to be run an infinite amount of times ("If an animation is required to be refreshed, it is called using a REFRESH command. In general, when refreshed a current animation

scene or frame is replaced by a next consecutive frame or scene (see, for example, FIGS. 4A-4C). When all frames have been cycled through and displayed, a frame pointer can be initialized back to the first frame in the sequence and the cycle repeated." – col. 9, ll. 38-42). However, Wells et al. and Gonsalves et al. fail to explicitly teach wherein the handheld communication device compares said number of times the displaying of the sequence of images is to be repeated with a predetermined number and if said number of times the displaying of the sequence of images is to be repeated exceeds said predetermined number the handheld communication device only repeats the display sequence said predetermined number of times. AAPA teaches a looping parameter specified by NETSCAPE 2.0 wherein a maximum of 50 loops of a given animation are displayed (Specification, p. 8, Table 2, row 5).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of AAPA, which are directed toward limiting the number of times a given animation can be repeated, into the system taught by Wells et al. and Gonsalves et al., which utilize a cellular phone for modifying and displaying graphic information, because through such incorporation it would provide said system with greater flexibility in terms of use by providing a means for limiting the amount of time a given animation is repeated, wherein said number of repetitions for said animation is set by another party (e.g., system, program, etc.). For example, it would be preferable for a phone low on battery to run an animation, which is set to run an infinite number of times, a limited number of times instead so to avoid any further impact to battery life.

18. In regard to claim 4 Well et al. teach that "The next time the user activates the Keyguard feature, the selected animation is automatically invoked, started, and run by the controller 18..." (col. 8, ll. 14-16). The rationale disclosed in the rejection of claim 2 is incorporated herein.

19. In regard to claim 10 the rationale disclosed in the rejection of claim 3 is incorporated herein.

20. In regard to claim 11 the rationale disclosed in the rejection of claim 4 is incorporated herein.

21. Claim 5, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Gonsalves et al. (U.S. Patent No. 6, 128, 001), as applied to claims 1, 2, 8, 9, 15, 16, 19 and 22-26, in view of Bickmore et al. (Web Page Filtering and Re-Authoring for Mobile Users).

22. In regard to claim 5 Well et al. and Gonsalves et al. fail to explicitly teach resizing an image from the sequence into a display size specific for an application in said handheld communication device. Bickmore et al. teach altering the display resolution of graphic information on a Palm-PC, PDAs and cellular phones responsive to the capabilities of said devices ("The Digestor system automatically converts web-based documents designed for desktop viewing into formats appropriate for handheld devices with small display screens, such as Palm-PCs, PDAs and cellular phones." – Abstract, ll. 1-3; § 1, ¶ 1; § 2.4, ¶ 1; "Figure 2 demonstrates how a web page can be re-authored for a smaller display. Some of the images have been scaled down and others have been replaced by links. Some text has also been replaced by links…" – § 3.1, ¶ 2;

"Digestor also supports cellular phones that have very small text displays." – § 3.1, ¶ 3; "A rule of thumb for images is to reduce them all in size by a fixed percentage, dictated by the ratio of the display area that the document was authored for to the display area of the target device." – § 3.2, ¶ 4). It is noted that all graphic information, edited or not, located on a respective device is considered graphic information that is subject to said alteration taught by Bickmore et al. It is inherent that any displayed graphic image is associated, at least to some degree, with at least one program (e.g., application) running on said system.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the ability to alter the resolution of graphic information presented on a wireless terminal as taught by Bickmore et al. into the system taught by Wells et al. and Gonsalves et al., which is directed toward the display and editing of animation information on a wireless terminal, because through such incorporation it would allow for said animation, edited or not, to be displayed at a resolution optimized to the capabilities of said terminal at all times resulting in said animation being displayed under the best available conditions and thus improving a user's viewing experience.

23. In regard to claim 12 the rationale disclosed in the rejection of claim 5 is incorporated herein.

24. In regard to claim 20 the rationale disclosed in the rejection of claim 5 is incorporated herein.

25. Claims 6, 13, 17, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683), Gonsalves et al. (U.S.

Patent No. 6, 128, 001) and Bickmore et al. (Web Page Filtering and Re-Authoring for Mobile Users), as applied to claims 5, 12 and 20, in view of GIF Construction Set Professional Homepage, referred to herein as GCSPH, and GIF Construction Set Professional Manual, referred to herein as GCSPM. It is noted that GCSPM includes references to "Introductory and Tutorial" and "Reference" which are considered part of said GCSPM.

26. In regard to claim 6 Wells et al., Gonsalves et al. and Bickmore et al. fail to explicitly teach wherein the resizing includes receiving a user selection of a portion of the image to be resized into the display size specific for the application in the handheld communication device and wherein the resizing further includes the handheld communication device automatically resizing the remaining images in the sequence of images. GCSPH teaches that part or all of a given animation sequence can be rotated, cropped, color-adjusted or resized (GCSPH, p. 3). It is noted that cropping is considered a form of resizing. GCSPM teaches that "The Resize function … will allow you to change the size of one or more images in a GIF file …This function only affects the selected blocks in the current document window. To apply it to all the blocks in a GIF file, click on the green 'Tag All' button" (GCSPM, § Reference, pp. 15, 30-31). It is implicitly taught that said functions taught by both GCSPH and GCSPM are, at least in part, user controlled via some form of user input (e.g., while said system executes said functions said functions must be initiated by some form of user input).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the conventional animation editing functions taught by both

GCSPH and GCSPH, specifically that of resizing, into the system taught by Wells et al., Gonsalves et al. and Bickmore et al., which is directed toward editing and displaying an animation, because through such incorporation it would provide greater flexibility in terms of how a given user is able to edit said animation as well as provide options that are conventional (e.g., resizing graphic information) in the realm of animation editing. In addition, through such incorporation of a user controlled resizing function it would provide greater flexibility in terms of how said information is presented. For example, while an image may be automatically resized to fit a respective display screen used to display said image a user may still wish to resize said already resized image to best suit said user's display needs.

27. In regard to claim 13 the rationale disclosed in the rejection of claim 6 is incorporated herein.

28. In regard to claim 17 the rationale disclosed in the rejection of claims 8 and 9 are incorporated herein. Wells et al. teach that various functions of said system are accessible via menus (col. 3, ll. 54-56; "…an Animation menu item…" – col. 8, ll. 2-9). It is noted that said graphic processing performed by Wells et al. is considered to read on pixel-wise editing as graphic information displayed via said mobile station is displayed on a screen comprised of pixels (col. 7, ll. 47-50). Wells et al. teach the speeding up and slowing down of an animation ("…the refresh rate could increase or decrease as a function of the charge state of the battery 26, or as a function of the received signal strength level…" – col. 8, ll. 51-54 ; "…an animation is comprised of X

number of discrete images displayed at intervals of Y ms (selectable or fixed values…" – col. 9, ll. 61-64).

However, Well et al. fail to explicitly teach a loop setting menu allowing the setting of the number of repetitions of the animation. GCSPM teaches an animation software application that has a loop command which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that defines the number of times said animation will loop (GCSPM, § Reference, p. 34; GCSPM, § Introductory Tutorial, p. 4). GCSPM teaches a delay option which is defined as the number of hundredths of a second between images in an animation (GCSPM, § Reference, p. 34). It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of GCSPM, which are directed toward animation editing tools for assigning delay and limiting the number of times a given animation can be repeated, into the system taught by Wells et al. and Bickmore et al., which is directed toward editing and displaying animations on a mobile station as well as conserving power of said station (Wells et al., col. 8m, ll. 64-67), because through such incorporation it would provide greater efficiency in terms of battery life for said mobile station as the number of repetitions for an animation could be set by a user of said mobile station dependant upon the power resources available to said mobile station (e.g., a user with a mobile station that is low on battery power might prefer that an animation which is to repeat an infinite number of times instead repeat a fixed number of times so to avoid an adverse impact to battery life).

In regard to resizing the rationale disclosed in the rejection of claim 6 is incorporated herein. It is implicitly taught that that the combination of Wells et al., Gonsalves et al., Bickmore et al., GCSPH and GCSPM is considered to result said animation features being menu accessible.

29. In regard to claim 18 the rationale disclosed in the rejection of claim 16 is incorporated herein.

30. In regard to claim 21 the rationale disclosed in the rejection of claim 6 is incorporated herein.

Response to Arguments

31. As previously disclosed in the Office Action mailed on 10/6/09 it is noted that the common knowledge or well-known in the art statements(s) previously disclosed is taken to be admitted prior art because the Applicant failed to adequately traverse the examiner's assertion of Official Notice (MPEP § 2144.03(c)).

32. In response to applicant's remarks that Gonsalves et al. fail to teach or suggest automatically applying changes the examiner does not agree. Gonsalves et al. explicitly teach that "The steps of the method can be repeated automatically using the general purpose computer 20…" (col. 5, ll. 49-51) wherein said steps include applying changes to other images in the sequence based on changes to the individual pixels of the bit-map pattern (col. 1, ll. 11-28 and specifically col. 5, ll. 42-49). It is noted that the respective claim language fails to disclose that only an automated approach is taken and thus a manual approach with is then automated is considered to read on including an automated approach.

33. Applicant's remarks have been fully considered but they are not persuasive.

Conclusion

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER-ANTHONY PAPPAS whose telephone number is (571) 272-7646. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter-Anthony Pappas/
Primary Examiner, Art Unit 2628